

**A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD NOVEMBER 19, 2001 AT 1:00 P.M. IN WARRENTON, VIRGINIA**

**P R E S E N T**      Mr. Raymond Graham, Chairman; Mr. Joe Winkelmann, Vice Chairman;  
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. G.  
Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**AGENDA REVIEW**

The Board of Supervisors reviewed the Agenda.

**FAUQUIER COUNTY EMERGENCY PREPAREDNESS PLAN**

The County Administrator, Sheriff and Emergency Services Coordinator briefed the Board of Supervisors on the state of emergency preparedness plans and capabilities for Fauquier County.

**PROPOSED AGREEMENT WITH THE FAUQUIER YOUTH SPORTS  
COORDINATION COUNCIL FOR THE NORTHERN SPORTS COMPLEX**

A work session was held with members of the Parks and Recreation Board to discuss the proposed agreement with the Fauquier Youth Sports Coordination Council for the Northern Sports Complex.

**OVERVIEW OF THE CURRENT REASSESSMENT PROCESS**

A work session was held with members of the Board of Assessors and staff of Wampler-Eanes Appraisal Group, Ltd. to review the current reassessment process.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

**ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the Agenda. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

Mr. Weeks then moved to amend the Agenda to remove Preliminary Plat – Brookside Farm from the Consent Agenda and to add it to the Regular Agenda for discussion on December 17, 2001. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

### **PROCLAMATIONS AND RECOGNITIONS**

- James Bayne, representing the Culpeper Minute Men, was presented a proclamation declaring December 11-15 as George Mason Week.
- John Anzivino was presented a proclamation in recognition of his distinguished public service as Warrenton Town Manager.

### **CITIZENS TIME**

- Dennis McMullen, Scott District, expressed his frustration over changes and unknown plans concerning the Brookside (Waterfield) project.
- Bob Sisk said that the Board of Supervisors should hold a public hearing before agreeing to lower the speed limit on Route 50.

### **CONSENT AGENDA**

Mr. Winkelmann moved to adopt the following Consent Agenda items. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

A Resolution to Change the Location of the Fauquier County Board of Supervisors' December 17, 2001 Regularly Scheduled Meeting to the Marshall Community Center

### **RESOLUTION**

A RESOLUTION TO CHANGE THE MEETING LOCATION  
FOR THE FAUQUIER COUNTY BOARD OF SUPERVISORS'  
DECEMBER 17, 2001 REGULARLY SCHEDULED MEETING

BE IT RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of November 2001, That the Board of Supervisors does hereby change the location of the December 17, 2001 regularly scheduled meeting to the Marshall Community Center.

A Resolution to Support the Founders of America Communities Program Tourism Initiative

RESOLUTION

A RESOLUTION TO SUPPORT THE FOUNDERS OF AMERICA COMMUNITIES  
PROGRAM TOURISM INITIATIVE

WHEREAS, the Fauquier County Board of Supervisors is supportive of tourism within Fauquier County and the State of Virginia; and

WHEREAS, the founding of the United States of America is a story deserving greater recognition and would provide the basis for additional tourism opportunities in the Commonwealth as well as locally; and

WHEREAS, many of the persons and events associated with the founding of the United States are also associated with Fauquier County; and

WHEREAS, Virginia communities have a unique opportunity to institute and participate in a new tourism initiative, known as the Founders of America Communities, which will benefit many existing tourism facilities State-wide while focusing further on the colonial history of individual localities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of November 2001, That the Fauquier County Board of Supervisors supports the Founders of America Communities program in order to foster recognition of the distinctive role of the Commonwealth and its communities in the creation of the American Republic; and, be it

RESOLVED FURTHER, That the Virginia Legislature be encouraged to pass such resolutions as are necessary to create and fund such a program.

A Resolution to Authorize Reclassification of Three Positions Within the Office of the Commissioner of the Revenue

RESOLUTION

A RESOLUTION TO AUTHORIZE RECLASSIFICATION OF THREE POSITIONS  
WITHIN THE OFFICE OF THE COMMISSIONER OF THE REVENUE

WHEREAS, the Commissioner of the Revenue has examined and evaluated the organizational structure of his office; and

WHEREAS, the Commissioner of the Revenue has developed a proposed reorganization plan that would include a Chief Deputy Commissioner of the Revenue position, a Deputy IV position, and a structural change in the real estate division to balance the duties and responsibilities of the front line supervision in that area; and

WHEREAS, the reorganization is deemed critical to the success of the office due to the impending system conversion in the real estate division; and

WHEREAS, the Board of Supervisors has approved and adopted a Position Classification and Pay Plan prepared and maintained by DMG-MAXIMUS, Incorporated; and

WHEREAS, DMG-MAXIMUS, Incorporated has reviewed and analyzed three positions within the Office of the Commissioner of the Revenue; and

WHEREAS, DMG-MAXIMUS, Incorporated recommends the following titles and grades for the positions reviewed:

Position Title	Grade
Real Estate Technician IV	28
Deputy Commissioner IV	28
Chief Deputy Commissioner of the Revenue	41;

now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That the positions of Real Estate Technician IV, grade 28; Deputy Commissioner IV, grade 28; and Chief Deputy Commissioner of the Revenue, grade 41 be established within the Office of the Commissioner of the Revenue, effective November 19, 2001.

A Resolution to Authorize Establishment of the Position of Accounting Technician Within the Treasurer's Office

RESOLUTION

A RESOLUTION TO AUTHORIZE ESTABLISHMENT OF THE POSITION OF  
ACCOUNTING TECHNICIAN WITHIN THE TREASURER'S OFFICE

WHEREAS, the current full-time permanent staffing structure in the Treasurer's office is insufficient to guarantee that bank reconciliations can be kept up to date without continued use of temporary help; and

WHEREAS, it has been determined that the most efficient use of staff time results from having one individual responsible for bank reconciliations and related general ledger liability accounts; and

WHEREAS, combining various reconciliation tasks allows significant enhancement in internal control and frees up staff time in the Department of Finance for centralizing control over the County's non-tax receivables; and

WHEREAS, the position of Accounting Technician is classified as a grade 22 on the Fauquier County Position Classification and Pay Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That the position of Accounting Technician be established within the Office of the Treasurer, effective November 19, 2001.

A Resolution to Authorize Establishment of the Position of Executive Assistant Within the Treasurer's Office

RESOLUTION

A RESOLUTION TO AUTHORIZE ESTABLISHMENT OF THE POSITION OF EXECUTIVE ASSISTANT WITHIN THE OFFICE OF THE TREASURER

WHEREAS, the demands placed upon the Office of the Treasurer have increased; and

WHEREAS, these demands include increasing administrative responsibilities for interacting with the other agencies within County government, taxpayer requests, and the workload created by the personal property tax relief and the Compensation Board; and

WHEREAS, the Office of the Treasurer requests authorization to establish the position of Executive Assistant to provide an efficient response to these demands; and

WHEREAS, the position of Executive Assistant is classified as a grade 25 on the Fauquier County Position Classification and Pay Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That the position of Executive Assistant be established within the Office of the Treasurer, effective November 19, 2001.

A Resolution to Accept a Land and Water Conservation Fund Grant from the Virginia Department of Conservation and Recreation for Park Facilities to Supplement the Central Sports Complex Fields

RESOLUTION

A RESOLUTION TO ACCEPT A LAND AND WATER CONSERVATION FUND GRANT FROM THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION FOR PARK FACILITIES TO SUPPLEMENT THE CENTRAL SPORTS COMPLEX FIELDS

WHEREAS, the Fauquier County Board of Supervisors authorized the creation of three sports complexes in the County; and

WHEREAS, the sports complex project is intended to address a variety of sports facility needs of Fauquier County citizens; and

WHEREAS, the sites chosen for the complexes also offer opportunities to meet additional recreational opportunities, both as separate functions and as support activities for the sports fields; and

WHEREAS, the Parks and Recreation Department seized upon an opportunity to obtain funding from the Land and Water Conservation Fund to provide additional recreational facilities at the Central Sports Complex; and

WHEREAS, the grant application for \$120,000 was approved by the Virginia Department of Conservation and Recreation; and

WHEREAS, all grants must be accepted by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of November 2001, That the County of Fauquier accepts the Land and Water Conservation Fund grant award of \$120,000 to develop park facilities as outlined in the grant application to support the Central Sports Complex sports fields; and, be it

RESOLVED FURTHER, That the Virginia Department of Conservation and Recreation Project Grant Agreement be, and is hereby, accepted and the County Administrator be, and is hereby, authorized to execute the document; and, be it

RESOLVED FINALLY, That the Supplemental Appropriation in the amount of \$120,000 be, and is hereby, approved.

A Resolution to Authorize the Donation of a Surplus School Bus to the Fauquier Community Action Committee for Use by the Head Start/Bright Stars Program

RESOLUTION

A RESOLUTION TO AUTHORIZE THE DONATION OF A  
SURPLUS SCHOOL BUS TO THE FAUQUIER COMMUNITY  
ACTION COMMITTEE FOR USE BY THE HEAD  
START/BRIGHT STARS PROGRAM

WHEREAS, the Fauquier Community Action Committee – Head Start/Bright Stars Program has expressed the need for a vehicle to transport pre-schoolers and students within its care; and

WHEREAS, Fleet Maintenance has identified a surplus 1987 International Thomas handicap school bus with a lift, VIN #1HVLNHGMOGHA66885, that would meet the needs of the Head Start/Bright Stars Program; and

WHEREAS, the donation or transfer of a County-owned vehicle to an outside entity requires the approval of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of November 2001, That the Fauquier County Board of Supervisors does hereby authorize the County Administrator to take all actions necessary to donate the aforementioned surplus vehicle to the Fauquier Community Action Committee for use by the Head Start/Bright Stars Program.

A Resolution Expressing Board of Supervisors' Concern Over Radio Interference of Television Reception and Requesting the Federal Communication Commission (FCC) to Take all Necessary Action to Resolve Interference Issues

RESOLUTION

A RESOLUTION EXPRESSING BOARD OF SUPERVISORS' CONCERN  
OVER RADIO INTERFERENCE OF TELEVISION RECEPTION  
AND REQUESTING THE FCC TO TAKE ALL NECESSARY  
ACTION TO RESOLVE INTERFERENCE ISSUES

WHEREAS, the Board of Supervisors of Fauquier County has received citizen complaints that radio transmissions from WPER Radio, broadcasting at 89.9 MHz, is resulting in interference with reception on local television channels 4 and 7; and

WHEREAS, the reception of television is an integral part of citizen entertainment and a method of informing the public of safety and other dangers; and

WHEREAS, the Board of Supervisors is concerned that radio transmissions should not interfere with its citizens' television reception; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That the Board of Supervisors expresses its concern that citizens of Fauquier County are experiencing television reception interference, specifically on channels 4 and 7, as a result of broadcasting from radio station WPER, broadcasting at 89.9 MHz; and, be it

RESOLVED FURTHER, That the Board of Supervisors urges the Federal Communication Commission (FCC) to take any and all necessary steps to resolve the radio interference problem with local channels 4 and 7 so as to permit the citizens of Fauquier County to receive those channels without interference; and, be it

RESOLVED FURTHER, That the Board of Supervisors urges the FCC not to grant any additional licenses or renewals to WPER Radio until such time as the interference issue is resolved; and, be it

RESOLVED FINALLY, That the County Administrator is hereby authorized and directed to forward a copy of this resolution to the Chairman of the FCC so as to more fully inform him of the County's concerns.

A Resolution to Adopt the FY 2002 Capital Improvements Program (CIP)

RESOLUTION

A RESOLUTION TO ADOPT THE FY 2002-2006  
CAPITAL IMPROVEMENTS PLAN (CIP)

WHEREAS, the Board of Supervisors has established an objective to adopt a Capital Improvements Plan (CIP) each year; and

WHEREAS, the CIP Advisory Committee and Planning Commission held several developmental meetings to formulate the recommended CIP; and

WHEREAS, both the Planning Commission and the Board of Supervisors have held public hearings on the recommended CIP; and

WHEREAS, the Board of Supervisors has held two work sessions on the CIP; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of November 2001, That the FY 2002-2006 Capital Improvements Plan be, and is hereby, adopted.

A Resolution to Accept Robert J. Drive in the Black Powder Ridge Subdivision Into the State Secondary Highway System

RESOLUTION

A RESOLUTION TO ACCEPT ROBERT J. DRIVE IN THE  
BLACK POWDER RIDGE SUBDIVISION INTO THE  
STATE SECONDARY HIGHWAY SYSTEM  
LEE MAGISTERIAL DISTRICT

WHEREAS, Robert J. Drive identified on the sketch titled "Black Powder Ridge Subdivision, Lee Magisterial District, Fauquier County" dated November 7, 2001, and described on the Additions Form SR-5(A), fully incorporated herein by reference, and is shown on plats recorded in the Clerks Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that the street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive storm water detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described street into the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Black Powder Ridge Subdivision, with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 770, Page 299, dated January 3, 1997; and, be it,

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.



A Resolution to Request the Virginia Department of Transportation to Reduce the Speed Limit Along Route 50 in Fauquier and Loudoun Counties

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION REDUCE THE SPEED LIMIT ALONG ROUTE 50 IN FAUQUIER  
AND LOUDOUN COUNTIES

WHEREAS, in May of 1999 the Virginia Secretary of Transportation formed the Route 50 Traffic Calming Task Force to work on implementation of a traffic calming project along Route 50 in Fauquier and Loudoun Counties; and

WHEREAS, as a result of the Traffic Calming Task Force's public meetings, members of the Upperville community have requested that the speed limit along Route 50 be reduced between Lenah in Loudoun County and Paris in Fauquier County; and

WHEREAS, the Villages of Upperville and Aldie are historically significant and contribute to the rural heritage and character of both Fauquier and Loudoun Counties; and

WHEREAS, Route 50 between Lenah and Paris serves as one of the main transportation corridors linking Fauquier and Loudoun Counties with their rural neighbors to the west and their more urban neighbors to the east; and

WHEREAS, reducing the speed limit along Route 50 in the rural areas between Lenah and Paris would serve to calm the traffic passing through these communities and to protect the rural character of these historic areas; and

WHEREAS, at its meeting on October 31, 2001, the Fauquier County Transportation Committee approved a motion recommending that the Fauquier County Board of Supervisors forward a resolution to the Virginia Department of Transportation requesting the speed limit on Route 50 in the rural areas between Lenah and Paris be posted at 45 miles per hour, and that the speed limit on Route 50 through the villages of Upperville and Aldie be posted at 25 miles per hour; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19<sup>th</sup> day of November 2001, That the Board is in support of a reduction of the speed limit along Route 50 and requests that the Virginia Department of Transportation post the speed limit on Route 50 in the rural areas between Lenah and Paris at 45 miles per hour, and post the speed limit on Route 50 through the villages of Upperville and Aldie at 25 miles per hour.

**SPECIAL EXCEPTION – R. CARL AND CAROLYN G. FALLER,  
OWNER/APPLICANTS**

At the October 15, 2001 meeting, a public hearing was held to consider a request for special exception approval for R. Carl and Carolyn G. Faller, Owners/Applicants, to hold special events, such as garden weddings, receptions, picnics, community-related arts, cultural and fundraising for charitable, non-profit, and educational activities on a 3.99 acre parcel. The property is located on Courtney's Corner Road (Route 637), two miles southwest of Route 17, Lee District. At the request of the applicants, Ms. McCamy moved to table the decision until the

December 17, 2001 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
Ms. Sharon McCamy; Mr. Larry L. Weeks*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

#### **SPECIAL EXCEPTION – SMITH-MIDLAND CORPORATION, OWNER/APPLICANT**

At the September 17, 2001 meeting, a public hearing was held to consider a request for special exception approved for Smith-Midland Corporation, Owner/Applicant, to allow existing fill material to remain within the floodplain on property located on the southeast side of Catlett Road (Route 28) on Licking Run in the Midland Service District, Cedar Run District. At the request of the applicant, Mr. Graham moved to table the decision until the December 17, 2001 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
Ms. Sharon McCamy; Mr. Larry L. Weeks*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

#### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Mary Root was appointed to the Architectural Review Board to represent Lee District.
- Ed Tolson was appointed to the Architectural Review Board to representing the Historic Resources Committee.
- Wendell Chung, Kathy Wright, Jan Selbo, Beulah Reeves, and Jan McNulty were appointed to the Fauquier Community Action Committee.
- Jim Stone was appointed to the Planning Commission to represent Cedar Run District for a term to expire December 31, 2006.
- Teresa Mullins was appointed to the Affordable Housing Committee to represent Lee District.
- Doug Baumgardner was appointed to the Community Criminal Justice Board.

## **SUPERVISORS TIME**

- Mr. Weeks expressed his gratitude for cards, letters and support from the citizens of the County, Board members and County staff during his recent illness.

## **ANNOUNCEMENTS**

- Mr. Lee announced that the Board of Supervisors would meet on December 17 at the Marshall Community Center.
- Mr. Lee announced that the Board of Supervisors would meet in a Region VII meeting at the VACo meeting in December.

## **PROPOSED NAME CHANGE IN THE SPELLING OF ROLLS HOLLOW, A VALLEY IN FAUQUIER COUNTY, TO ROWLES HOLLOW**

A public hearing was held to consider a request to change the spelling of Rolls Hollow, a valley in Fauquier County, to Rowles Hollow. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

### RESOLUTION

#### A RESOLUTION TO SHOW LOCAL ACCEPTANCE TO OFFICIALLY CHANGE THE NAME OF ROLLS HOLLOW, A VALLEY IN FAUQUIER COUNTY, TO ROWLES HOLLOW

WHEREAS, documentation was provided to the United States Board on Geographic Names, that Rolls Hollow, a valley in Fauquier County, Virginia, was named for William Rowles, who lived in the vicinity in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries; and

WHEREAS, Mr. J. W. Rowles, descendant of William Rowles, wishes to restore the correct spelling of his ancestor's name in the valley; and

WHEREAS, the United States Board on Geographic Names is responsible by law for standardizing geographic names for use by the Federal Government; and

WHEREAS, the United States Board on Geographic Names' research indicates that Rolls Hollow has been on Federal maps since at least 1939; and

WHEREAS, members of the United States Board on Geographic Names must approve new names and name changes before they can be applied to Federal maps and products; and

WHEREAS, local acceptance of any proposed name is very important to the United States Board on Geographic Names; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That changing the spelling from Rolls Hollow to Rowles Hollow in Fauquier County is acceptable with the local community; and, be it

RESOLVED FURTHER, That a copy of this resolution be forwarded to the United States Board on Geographic Names.

**PROPOSED ORDINANCE ESTABLISHING A DEADLINE FOR APPLICATION FOR EQUALIZATION OF REAL ESTATE ASSESSMENTS AND FOR THE BOARD OF EQUALIZATION TO COMPLETE DELIBERATIONS**

A public hearing was held to consider adopting an ordinance establishing a deadline for application for equalization of real estate assessments and for the Board of Equalization to complete deliberations. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE ESTABLISHING A DEADLINE FOR SUBMITTAL OF LANDOWNER APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENT TO THE FAUQUIER COUNTY BOARD OF EQUALIZATION TO COMPLETE ITS DELIBERATIONS ON ALL APPLICATIONS

WHEREAS, the County of Fauquier is currently undergoing a general reassessment of real property within the County to be effective January 1, 2002; and

WHEREAS, Section 58.1-3370 of the Code of Virginia requires the establishment of a Board of Equalization to receive applications from landowners seeking equalization of their real estate assessments; and

WHEREAS, Section 58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish a deadline by which applications for equalization of real estate assessments must be filed with the Board of Equalization; and

WHEREAS, Section 58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of November 2001, That June 30, 2002 be, and is hereby, established as the deadline date by which applications for equalization of assessment shall be filed with the Fauquier County Board of Equalization; and, be it

ORDAINED FURTHER, That August 31, 2002 be, and is hereby, established as the deadline date by which the Fauquier County Board of Equalization shall finally dispose of all timely applications for equalization of real estate assessments.

**FAUQUIER COUNTY FY 2002 BUDGET AMENDMENT TO APPROPRIATE AND DEAPPROPRIATE \$4,748,535.31 IN LOCAL, STATE AND FEDERAL SUPPORTED REVENUE**

A public hearing was held to consider amending the FY 2002 Budget to appropriate and deappropriate \$4,748,535.31 in Local, State and Federal supported revenue. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE  
FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$4,748,535.31

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended appropriation of \$2,980,467.31 for the purpose set forth in the Agenda Request a copy of which is attached hereto and incorporated herein; and

WHEREAS, the Finance Committee has recommended deappropriation of \$1,768,068 from the Capital Improvements Program for Northwestern Elementary; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% to the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5<sup>th</sup> day of November 2001, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2002 Budget in the amount of \$4,748,535.31.

**ZONING ORDINANCE TEXT AMENDMENT – SECTION 3-400.1 TO PERMIT ONE FAMILY TRANSFER SUBDIVISION FOR LOTS LESS THAN TEN ACRES IN THE RURAL AGRICULTURE AND RURAL CONSERVATION ZONING DISTRICTS**

A public hearing was held to consider amending Section 3-400.1 of the Zoning Ordinance to permit one family transfer subdivision for lots less than ten acres in the Rural Agriculture and Rural Conservation Zoning Districts. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 3-400 .1 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ALLOW ONE FAMILY TRANSFER LOT FOR PARCELS OF LESS THAN TEN ACRES IN THE RURAL AGRICULTURE (RA) AND RURAL CONSERVATION (RC) ZONING DISTRICTS

WHEREAS, The Fauquier County Zoning Ordinance currently permits a maximum density of .4 family transfer subdivisions per acre; and

WHEREAS, the amendment to reduce the minimum lot sizes rural zoning districts to two acres has resulted in an increase in the density of permissible family transfer subdivisions on lots of less than ten acres in size in rural zoning districts; and

WHEREAS, the intent of the family transfer ordinance was not to increase allowable density; and

WHEREAS, on September 27, 2001 the Fauquier County Planning Commission, after public hearing, voted to forward a recommendation that the Board of Supervisors adopt the referenced text amendment ordinance; and

WHEREAS, the Fauquier County Board of Supervisors has determined adoption of this amendment would be in keeping with the intent of the Zoning Ordinance, and would limit the number of family transfer subdivisions permitted on a lot of less than ten acres in the rural zoning districts, while still providing the residents with the potential to create one such lot; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of November 2001, That Section 3-400.1 be amended to permit one family transfer subdivision on a lot of less

than ten acres in the Rural Agriculture and Rural Conservation Zoning Districts. The section will be amended as follows:

ARTICLE 3  
DISTRICT REGULATIONS, PART 4, USE REGULATIONS,  
SECTION 3-400.1 (FOOTNOTES)

1. The density shown does not necessarily represent the permitted density that will be allowed for any given lot. See 2-308 and 3-301 for specifics. The density shown is the maximum possible. Where non-common open space is platted one dwelling unit shall be allocated to each parcel thereof. For ~~family transfers approvable in accordance with 2-39, 3, (A) of the Subdivision Ordinance~~ for lots of less than ten (10) acres existing as of May, 21 1981, ~~the maximum allowable density shall be .4 dwelling units per acre~~ one family transfer shall be permitted in the RA and RC zoning district, provided that the family transfer and residue lots shall be in conformance with all other applicable provisions of the Zoning and Subdivision ordinances.

**ZONING ORDINANCE TEXT AMENDMENT – SECTIONS 2-406.5.d, 3-400.14 AND 5-2600 TO REQUIRE SPECIAL EXCEPTION APPROVAL FOR REDUCTION OF REQUIRED OPEN SPACE FOR PARCELS OF THIRTY ACRES OR GREATER IN THE RURAL AGRICULTURE AND RURAL CONSERVATION ZONING DISTRICTS**

A public hearing was held to consider amending Sections 2-406.5.D, 3-400.14 and 5-2600 of the Zoning Ordinance to require special exception approval for reduction of required open space for parcels of thirty acres or greater in the Rural Agriculture and Rural Conservation Zoning Districts. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 2-406.5.D, 3-400.14 AND 5-2600 OF THE  
FAUQUIER COUNTY ZONING ORDINANCE TO REQUIRE SPECIAL EXCEPTION  
APPROVAL FOR REDUCTION IN REQUIRED OPEN SPACE FOR LOTS OF THIRTY  
ACRES OR GREATER IN THE RURAL AGRICULTURE AND RURAL CONSERVATION  
ZONING DISTRICTS

WHEREAS, The Fauquier County Zoning Ordinance requires special exception approval from the Board of Supervisors to reduce the required open space for lots of fifty acres or greater in size in the Rural Agriculture and Rural Conservation zoning districts; and

WHEREAS, the Zoning Ordinance empowers the Planning Commission to approve reductions in open space for lots of less than fifty but more than thirty acres in size; and

WHEREAS, the amendments would consolidate the requests for reduction in open space requirements under the special exception process; and

WHEREAS, the Board of Supervisors would become the deciding authority for all requests for reduction of open space for lots of thirty acres or greater in the Rural Agriculture and Rural Conservation zoning districts; and

WHEREAS, the amendments would be in conformance with the enabling legislation in the Code of Virginia regarding the delegation of authority by the governing body; and

WHEREAS, the Board of Supervisors believes the proposed amendments to follow the spirit of the Zoning Ordinance and are in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of November, 2001, That Sections 2-406.5.D, 3-400 14 and 5-2600 be, and are hereby, amended to read as follows:

Section 2-406.5.

- D. For lots of 30 ~~50~~ acres or greater, eighty-five percent (85%) of the gross lot area shall be required in open space unless a special exception for a lesser amount is granted by the Board. ~~For lots greater than thirty (30) acres and less than fifty (50) the Commission may approve a reduction in the 85% open space requirement if the Commission finds that a lesser amount would accomplish the purposes of Paragraph 2-406.5.~~ For lots of less than thirty (30) acres ~~or less~~ the open space requirement of 3-408 does not apply. The open space shall be located so as to best accomplish A, B and C above.

### **Section 3-400            USE REGULATIONS**

14. In the RA and RC zoning districts, the 85 percent open space requirement is not applicable to lots of less than 30 acres. ~~For lots less than 50 acres and greater than 30 acres, the Commission may reduce the open space requirement if it determines that a lesser amount would accomplish the purposes of 2-406.5.~~

### **PART 26            5-2600            STANDARDS FOR APPROVING A DECREASE IN THE OPEN SPACE REQUIREMENT**

For lots of 30 ~~50~~ acres or greater in the RA and RC zoning districts, the Board may approve a reduction in the 85 percent open space requirement if the Board finds that a lesser amount would accomplish the purposes of 2-406.5.

### **ZONING ORDINANCE TEXT AMENDMENT – SECTION 15-300, DEFINITIONS, TO ADD A NEW USE, MINISTORAGE WAREHOUSES, TO THE DEFINITION OF COMMERCIAL- 2 ZONING DISTRICT – AGRICULTURALLY RELATED USES ONLY**

A public hearing was held to consider amending Section 15-300 of the Zoning Ordinance to add a new use, ministorage warehouses to the definition of Commercial-2 Zoning District-



Agriculturally Related Uses Only. Ben Jones, representing Joseph Daniel, spoke in favor of the amendment. Chuck Medvitz urged the Board of Supervisors to consider this amendment carefully to avoid future by-right uses in the Commercial-2 Zoning District. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was 4 to 1 as follows, with Mr. Atherton voting against:

**Ayes:** *Mr. Raymond Graham; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks*  
**Nays:** *Mr. Harry Atherton*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## ORDINANCE

### AN ORDINANCE APPROVING THE AMENDMENT TO ARTICLE 15 (DEFINITIONS) OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD MINI-STORAGE WAREHOUSES TO THE DEFINITION OF “AGRICULTURALLY RELATED USES, COMMERCIAL-2 ZONING DISTRICTS”

WHEREAS, The Fauquier County Zoning Ordinance contains a definition for “Agriculturally Related Uses, Commercial-2 (C-2) Zoning District”; and

WHEREAS, an applicant has submitted a Zoning Ordinance text amendment to add mini-storage warehouses to the definition; and

WHEREAS, on September 27, 2001 the Fauquier County Planning Commission voted to initiate this zoning text amendment; and

WHEREAS, on October 25, 2001 the Fauquier County Planning Commission, after public hearing, voted to forward a recommendation that the Board of Supervisors adopt the referenced text amendment ordinance; and

WHEREAS, the Fauquier County Board of Supervisors has determined adoption of this amendment would be in keeping with previously approved uses for Commercial-2 parcels requiring agriculturally related uses; and

WHEREAS, the site plan process will continue to address issues such as lighting, landscaping, screening and parking areas for such uses; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of November 2001, That Article 15 (Definitions) be amended to add mini-storage warehouses to the definition of permitted agriculturally related uses for the Commercial-2 (C-2). The Article is amended to read as follows:

### **AGRICULTURALLY RELATED USES, COMMERCIAL-2 ZONING DISTRICTS:**

The following uses are considered to be agriculturally-related when located within a Commercial-2 zoning district:

- a. Lumber yard with incidental retail sales of less than 5,000 square feet in size.
- b. Carpentry/plumbing/electrical/printing/welding/sheet metal shops, less than 5,000 square feet in size.
- c. Auto repair garage including motor vehicle impoundment yard screened from view with a maximum of ten (10) vehicles as an accessory use.
- d. Auto body painting establishment.
- e. Truck and heavy equipment sales, rental, and service.
- f. Wholesale trade establishment.
- g. Contractor's office, shops, and material storage yard, less than one acre in size.
- h. Animal shelter.
- i. Spectator and non-spectator field event activities, Classes A, B, and C.
- j. Kennel/Animal shelter.
- k. Veterinary clinic.
- l. Farm supply establishment.
- m. Taxidermy.
- n. Farm equipment sales, rental, and service.
- o. Commercial storage and processing of bulk agricultural products.
- p. Frozen food locker.
- q. Crop/Livestock farm.
- r. Horse farm.
- s. Truck farm.
- t. Plant nursery/Greenhouse, wholesale.
- u. Plant nursery/Greenhouse, retail.
- v. Forestry.
- w. Recreational vehicle storage area if totally screened from view.
- x. Mini-storage warehouses.

### **SPECIAL EXCEPTION – D.C. DIAMOND CORPORATION, OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval for D.C. Diamond, Corporation, Owner/Applicant, to construct a roadway which would cross an existing floodplain area. The proposed crossing of a tributary of Licking Run would carry the principal road serving the Southcoate Village Subdivision. The property is located on the northwest side of Catlett Road (Route 28), south of its intersection with Schoolhouse Road (Route 661) in the Bealeton Service District, PIN #6889-32-6944-000, Lee District. Jim Carson, representing D.C. Diamond, Corporation, spoke in favor of the request. No one else spoke. The public hearing was closed. Ms. McCamy moved to table the decision until the December 17, 2001 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**SPECIAL EXCEPTION – LOIS N. FLETCHER ESTATE, OWNER, AND STEVEN M. FLETCHER, APPLICANT**

A public hearing was held to consider a request for special exception approval for Lois N. Fletcher Estate, Owner, and Steven M. Fletcher, Applicant, to reduce the 85% open space requirement on a division of a 90 acre parcel which is zoned Rural Agriculture. The property is located at the intersection of Bristersburg Road and Courtney School Road, PIN #7838-37-3372-000, Cedar Run District. Peter Wright spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes:*** ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks***  
***Nays:*** ***None***  
***Absent During Vote:*** ***None***  
***Abstention:*** ***None***

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE01-CR-22  
FLETCHER ESTATE OPEN SPACE REDUCTION  
PIN 7838-37-3372-000**

WHEREAS, the Lois Fletcher Estate, owner and Steve Fletcher, applicant, have filed an application to allow for an open space reduction under the provisions of Article 5-2601 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on September 27, 2001 and made a unanimous recommendation of approval to the Board of Supervisors on October 25, 2001; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfied the applicable general standards in Article 5 of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of November 2001, That the application by Steve Fletcher for an open space reduction be, and is hereby, approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the plat approved with the application, as qualified by these development conditions.
3. The ninety-acre parcel shall be divided into three equal sized parcels of approximately thirty acres. Each thirty-acre parcel shall be deed restricted to prevent further subdivision potential.

4. The resultant thirty-acre lots will not be voluntarily transferred to a non-immediate family member for at least ten years, unless the Board of Supervisors finds that an extraordinary hardship is being caused by the ten-year restriction.

REZONING REQUEST – ANN B. AND ELIZABETH B. PURYEAR, OWNERS, AND  
LYNNDEY M. REID, APPLICANT

A public hearing was held to consider a request from Ann B. and Elizabeth B. Puryear, Owners, and Lynndey M. Reid, Applicant, to rezone approximately three acres of a seven acre parcel from Rural Agriculture to Residential for the purpose of creating one new residential building lot. The property is located at the terminus of Roselawn Drive, south of its intersection with Elk Run Road, PIN #7817-83-9479-000, Cedar Run District. Lynndey Reid and Don Tharpe spoke in favor of the request. Barbara Severin said that she felt this was spot zoning and urged the Board to look carefully at the consequences before adopting the ordinance. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was 4 to 1 as follows, with Mr. Atherton voting against.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>Mr. Harry Atherton</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE REZONING #RZ01-CR-06  
PURYEAR PROPERTY  
PIN 7817-83-9479-000

WHEREAS, Ann and Elizabeth Puryear, owners, and Lynndey Reid, applicant, have initiated a request to rezone a three-acre portion of a seven-acre parcel (PIN 7817-83-9479-000) from Rural Agricultural (RA) to R-1 (Residential); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Map in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the proposed rezoning is consistent with nearby zoning and existing patterns of development in the area; and

WHEREAS, on August 30, 2001, the Fauquier County Planning Commission held a public hearing on the rezoning request of Puryear and Reid; and

WHEREAS, at its meeting on October 25, 2001, the Fauquier County Planning Commission approved a motion recommending approval of the requested rezoning; and

WHEREAS, on November 19, 2001, the Board of Supervisors held a public hearing on this rezoning request; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of November 2001, That Rezoning Request #RZ01-CR-06, to change the zoning designation of the three acre portion of the parcel identified as PIN 7817-83-9479-000 and identified on the applicant's rezoning plat dated July 17, 2001, from RA (Rural Agricultural) to R-1 (Residential) be, and is hereby, approved, subject to the proffer statement dated October 25, 2001.

#### **REZONING REQUEST – DONALD R. THARPE, OWNER/APPLICANT**

A public hearing was held to consider a request from Donald R. Tharpe, Owner/Applicant, to rezone approximately two acres of an eight-five acre parcel from Agriculture to Commercial Neighborhood for the purpose of constructing a financial institution. The property is located at the intersection of Marsh Road and Independence Avenue, adjacent to Liberty High School, PIN #6899-29-5691-000, Lee District. Don Tharpe and Randy Ferrell, representing The Fauquier Bank, spoke in favor of the request. Evelyn Olinger asked for an explanation of a permanent versus temporary access. Mr. Carr explained that the School Board had asked for a traffic study before permanent access is granted. No one else spoke. The public hearing was closed. Ms. McCamy moved to table the decision until the December 17, 2001 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

With no further business, the meeting was adjourned.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 19, 2001.*

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*G. Robert Lee*  
*Clerk*